

**ORDINARY MEETING OF COUNCIL  
27 January 2009**

**MINUTES**

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# CITY OF ARMADALE

## MINUTES

OF ORDINARY MEETING OF THE ARMADALE CITY COUNCIL HELD IN THE COUNCIL CHAMBERS, 7 ORCHARD AVENUE, ARMADALE ON TUESDAY, 27 JANUARY 2009 COMMENCING AT 7.00 PM

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**1                    DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**

*The Mayor, Cr Reynolds, declared the meeting open at 7.02 pm.*

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**2                    RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE  
(previously approved)**

**PRESENT:**

Mayor, Cr L Reynolds AM JP presided over	Heron Ward
Deputy Mayor, Cr J Munn JP CMC	Lake Ward
Cr C J MacDonald	Lake Ward
Cr J Knezevich	Minnawarra Ward
Cr K Lethbridge JP	Minnawarra Ward
Cr R J Tizard	Neerigen Ward
Cr G A Best	Neerigen Ward
Cr R Butterfield	River Ward
Cr P J Hart	Jarraah Ward
Cr L Scidone	Jarraah Ward
Cr J Everts	Palomino Ward
Cr W Mauger	Palomino Ward
Cr J A Stewart	Heron Ward

**IN ATTENDANCE:**

Mr R S Tame	Chief Executive Officer
Mr I MacRae	Executive Director Development Services
Mr WA Bruce	Executive Director Technical Services
Ms Y Coyne	Executive Director Community Services
Ms L Kemp	CEO's Executive Assistant (Acting)

Public:            1  
Press:            Nil

**LEAVE OF ABSENCE:**

Nil

**APOLOGIES:**

Apology received from Cr H A Zelones.

MOVED Cr MacDonald that the apology be received.

**1/1/2009      MOTION not opposed, DECLARED CARRIED      (13/0)**

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**3      ADVICE OF RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

The following questions were taken on notice at Council's Meeting on 15 December 2008 and responses (summarized below) forwarded in a letter by the Chief Executive Officer dated 24 December 2008.

**Ms Irene Bettridge - Acting President**  
**Roberta Jull Community Care Association Inc.**

- Q-1      Can Council allocate the promised 2,000sqm for the new Minnowarra House site at Lot 144 Railway Avenue, Armadale excluding the bore and the trees and car parking space?
- Q-2      Can Council allocate additional land to provide a parking area separate to the 2,000sqm allocation?
- Q-3      Can the Planning Division of Council meet with Minnowarra House executive to advise what sort of building would be suitable, taking into consideration our low budget?
- Q-4      Can Council advise which Committee will be making this decision?
- Q-5      Can Council advise when the Committee will be meeting?
- Q-6      Can the Management Committee attend the Committee Meeting?
- Q-7      Can Council advise when the decision will be made to allocate to one of the applicants?
- Q-8      Can Council advise if the Little John Road Historic House is a suitable building to place on Lot 144 Railway Avenue as the first stage of the new Minnowarra House complex?

- Q-9 Is Council willing to consider the rezoning from Residential back to Community and Recreational?
- Q-10 Is Council willing to request the Minister to overturn the residential zoning and put the land back to Community and Recreational?
- Q-11 Is Armadale City Council willing to support Minnowarra House in developing an appropriately located community garden project for the Armadale community?
- Q-12 Is Armadale City Council willing to provide the land adjoining Lot 144 Railway Avenue on the road verge area, or the residential zoned area immediately so that we can commence a community garden?
- Q-13 What else can Armadale City Council do to accelerate our move back into the CBD? What ideas, initiatives can Council Members or Council provide to hasten this process?
- Q-14 Can Armadale City Council consider placing the new Minnowarra House building project on your priority listing of Council projects? Minnowarra House will be a Council-owned property on Council-leased land.
- Q-15 Can Council look at recompensing the \$72,000 paid to Council for the refurbishing of the Reg Williams building, either in dollars or in kind, as assistance to the Minnowarra building fund?

### **Response**

#### **Question 1**

The request that the space taken up by the existing trees, reticulation bore and required parking spaces to be excluded from the proposed leased area cannot be supported. The proposed leased area should be adequate for the scale of centre envisaged and the City will work with your organization to fit the facility and its ancillary needs within the allocated area. The balance of Lot 144 is valuable City Centre land and the adjacent Lot 143 will be redeveloped as part of the Abbey Road/Railway Road Link Project.

#### **Question 2**

The request for additional land cannot be supported for the reasons given above.

#### **Question 3**

The EDDS and/or Executive Manager of Planning Services would be happy to meet with the Minnowarra House executive to provide advice regarding the process that would have to be followed to achieve the required approvals. However, it should be understood that the budget constraints of an applicant would not be considered to be a relevant planning consideration.

**Question 4**

You will be advised of the meeting to make this decision. Note: Planning consideration will be made by the Development Services Committee while broader project-related matters, particularly where Council support is required, will probably go to the City Strategy Committee. (See Q-6 below.)

**Question 5**

Not at this time.

**Question 6**

Yes, All Council Committee meetings are open to the public. Further to the Mayor's response, the applicant is advised that the City is advertising for Request for Proposals for acquisition and appropriate relocation of the Nurse McKimmie-Scott Residence. At the end of that process the matter will be reported to the appropriate Committee, most likely to be the City Strategy Committee. This will not occur before February 2009.

**Question 7**

See response above.

Council resolved on 27th October 2008 that the Nurse McKimmie-Scott's Residence be advertised for removal, relocation and refurbishment. A number of processes have to be undertaken to achieve this – including the preparation of a business plan and the advertising of the proposal. These processes have to be completed before Council will determine the matter.

**Question 8**

The Mayor advised that this would be a matter for the Development Services Committee. At this stage the issues that need to be addressed through a formal development approval process have not been considered by Council.

**Question 9**

The Council supported the rezoning of Lot 143 and part of Lot 144 Abbey Road Armadale to Residential R40 on 18th April 2006. The rezoning was finalised on 14th September 2007. It is unlikely that Council would favourably consider any change to that direction at this stage. (See Q-10 below.)

**Question 10**

The Minister is not empowered to overturn the residential zoning as the rezoning process has been completed. If the land was to be returned to a reservation it would be necessary for the Council to initiate an amendment to the town planning scheme.

The allocation of Lot 144 to community purposes was predicated on the adjoining Lot 143 being zoned Residential. The area is now subject of critical changes to the

city-centre road system involving land transfer and ultimately residential redevelopment to off-set the costs of the road projects.

It is unlikely the Council will reconsider this rezoning as the Abbey Road Link project then becomes unviable. Landowners in the vicinity are pressing Council for determination on the future of their property and the process must move forward.

Ms Bettridge clarified that the area of land referred to was behind Lot 144 on Abbey Road.

**Question 11**

The City is willing to support Minnowarra House in the development of a community garden project and has assisted other community organizations to do similar projects in the past.

**Question 12**

As above, the City is willing to support a community garden; however the land adjoining Lot 144 Railway Avenue would not be considered a suitable site for reasons outlined above.

**Question 13**

The City is willing to assist RJCCA once a proposal has been formally submitted. The City has previously offered to discuss options with RJCCA and has made officers available to discuss issues as RJCCA has raised them. This assistance is current and ongoing as with any community organization that approaches for community development support.

**Question 14**

Council is currently reviewing its community facilities infrastructure and part of that review will consider the demand from community organizations for access to Council owned venues. Council will use this information to assess its community infrastructure plans in line with other capital projects. Council has not received a proposal for a new Minnowarra House and cannot consider it until that occurs.

**Question 15**

Council has assisted RJCCA with its relocation including in kind support and has provided the Reg Williams building on a peppercorn lease for a (2) two year period until January 2010. The funds that are referred to were from the compensation funds provided to RJCCA for the original Minnowarra House and it is the City's understanding that compensation was to include the cost of temporary accommodation. The City had not budgeted for any works at the Reg Williams building and refurbishments referred to were specifically to RJCCA requirements. Council may consider this request once a formal submission has been made by RJCCA for a new facility on Lot 144 Abbey Road.

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**4 PUBLIC QUESTION TIME**

*Question time closed at 7.05pm*

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**5 APPLICATIONS FOR LEAVE OF ABSENCE**

**5.1 Request for Leave of Absence – Cr Reynolds**

Request for leave of absence received from Cr Reynolds for the period:

Tuesday, 3<sup>rd</sup> to Friday, 6<sup>th</sup> February 2009 inclusive;  
Tuesday, 24<sup>th</sup> to Friday, 27<sup>th</sup> February 2009 inclusive; and  
Tuesday, 17<sup>th</sup> to Friday, 20<sup>th</sup> March 2009 inclusive.

**5.2 Request for Leave of Absence – Cr Knezevich**

Request for leave of absence received from Cr Knezevich for the period  
Sunday 1 February 2009 to Sunday 8 February 2009 inclusive.

**5.3 Request for Leave of Absence – Cr Hart**

Request for leave of absence received from Cr Hart for the period Thursday, 5  
February 2009 to Sunday 22 February 2009 inclusive.

MOVED Cr Munn that request for leave of absence received from:-

1. Cr Reynolds for the periods
  - Tuesday, 3<sup>rd</sup> February to Friday, 6<sup>th</sup> February 2009 inclusive [does not include a Council Meeting]
  - Tuesday, 24<sup>th</sup> to Friday 27<sup>th</sup> February 2009 inclusive [does not include a Council Meeting]
  - Tuesday 17<sup>th</sup> March to Friday 20<sup>th</sup> March 2009 inclusive [does not include a Council Meeting]
2. Cr Knezevich for the period Sunday 1 February 2009 to Sunday 8 February 2009 inclusive [does not include a Council Meeting]
3. Cr Hart for the period Thursday, 5 February 2009 to Sunday 22 February 2009 inclusive [includes (1) Council Meeting – 9 February 2009]

be received and granted.

**2/1/2009 MOTION not opposed, DECLARED CARRIED**

**(13/0)**

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**6 PETITIONS**

Nil.

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**7 CONFIRMATION OF MINUTES**

7.1 PREVIOUS ORDINARY MEETING OF COUNCIL  
HELD ON 15 DECEMBER 2008.

**CORRECTIONS:**

Page 1 Cr L Reynolds represents Heron Ward and not Lake Ward  
as shown.

MOVED Cr Stewart that the Minutes of the Ordinary Meeting of Council held  
on 15 December 2008 be confirmed as a true and accurate record.

**3/1/2009 MOTION not opposed, DECLARED CARRIED (13/0)**

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**8 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT  
DISCUSSION**

**8.1 Kingsley Primary School Graduation Ceremony**

On 16 December 2008, Cr Zelones represented Council at the Kingsley  
Primary School Graduation Ceremony, presenting a prize to one of the  
students.

**8.2 Armadale Health Campus**

Also on 16 December 2008, along with Mr Tame and Ms Coyne I had a  
preliminary meeting with representatives from the Armadale Health Campus  
to discuss art works suitable for display in their new Emergency Department  
and the opportunity for future art swaps between our two organisations.

**8.3 Roleystone DHS Graduation Ceremony**

On the evening of 16 December 2008, Cr Scidone represented Council at the  
Roleystone DHS Graduation Ceremony at Araluen Golf Resort and presented  
our Scholarship to a student going to Year 11 at Kelmscott SHS in 2009

**8.4 Meeting re: Retail Centre in Harrisdale.**

On 18 December 2008, Crs Munn, MacDonald, Zelones and I met with  
relevant Council staff and Stockland representatives to hear about the proposal  
to establish a retail centre in the Harrisdale area sooner rather than later.

**8.5 Kelmscott / Westfield Seniors Club's Christmas Luncheon.**

On 19 December 2008, along with Mr Glassford I attended the Kelmscott /  
Westfield Seniors Club's Christmas Luncheon.

**8.6 Kelmscott Congregational Church**

On 21 December 2008, I attended the Kelmscott Congregational Church to present them with one of our Heritage Building markers with the request that they display it in such a manner as to allow it to be seen by members of the public interested in our heritage buildings. Should an historic precinct be established around River Road, this will be only one of a number of markers in close proximity.

**8.7 Opening of the new CY O'Connor Tavern in Piara Waters**

On 22 December 2008, many of us joined with a large crowd to celebrate the official opening of the new CY O'Connor Tavern in Piara Waters. The high quality of this development is an important part of the maturation of our new suburbs in the west and we look forward to the establishment of our Community Centre there over the next 18 months or so and the proposal for a shopping centre currently being worked up by Stockland.

**8.8 Meeting re: future developments at the Araluen Golf Resort**

On 13 January 2009, along with Mr Maxwell and Mr MacRae, I met with senior staff at the Araluen Golf Resort to discuss future developments. Councillors were sent a report on the discussions via email soon after the meeting.

**8.9 17<sup>th</sup> annual Australia Day celebration**

On 26 January 2009, the 17<sup>th</sup> annual Australia Day celebration was held which incorporated a fireworks finale which I think very successful. Barry Cable, this year's Regional Australia Day Ambassador was particularly impressed with the size of the crowd, its general demeanour and the organisation of the event.

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**9 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN  
- WITHOUT DISCUSSION**

Nil

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**10 REPORTS**

**10.1 TECHNICAL SERVICES COMMITTEE**

Report of the Technical Services Committee held on 19 January 2009.

MOVED Cr Knezevich that the report be received.

**4/1/2009 MOTION not opposed, DECLARED CARRIED**

**(13/0)**

**BUSINESS ARISING FROM REPORT**

Recommendation T4/1/09 – Footpath Programme 2008/09

MOVED Cr Knezevich that Recommendation T4/1/09 be adopted.  
SECONDED Cr Munn

**5/1/2009 MOTION DECLARED CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL (13/0)**

MOVED Cr Knezevich that Recommendations T1/1/09 to T8/1/09, except those already dealt with, be adopted.

**6/1/2009 MOTION not opposed, DECLARED CARRIED (13/0)**

**10.2 CITY STRATEGY COMMITTEE**

Report of the City Strategy Committee held on 20 January 2009.

MOVED Cr Tizard that the report be received.

**7/1/2009 MOTION not opposed, DECLARED CARRIED (13/0)**

**BUSINESS ARISING FROM REPORT**

Recommendation CS3/1/09 –Sale of Stages 4 & 5 Public Open Space Land (Precinct G & F) Canning River and Foothills 1 & 2

MOVED Cr Tizard that Recommendation CS3/1/09 be adopted.  
SECONDED Cr Munn

**8/1/2009 MOTION DECLARED CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL (13/0)**

Recommendation CS4/1/09 –Sale of Stages 4 & 5 Public Open Space Land (precinct G & F) Canning River and Foothills 1 & 2

MOVED Cr Tizard that Recommendation CS4/1/09 be adopted.  
SECONDED Cr Scidone

**9/1/2009 MOTION DECLARED CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL (13/0)**

MOVED Cr Tizard that Recommendations CS1/1/09 to CS12/1/09, except those already dealt with, be adopted.

**10/1/2009 MOTION not opposed, DECLARED CARRIED (13/0)**

**10.3 DEVELOPMENT SERVICES COMMITTEE**

Report of the Development Services Committee held on 19 January 2009.

**CORRECTION:**

Page 128 – The insertion of an additional page into the attachments which had been omitted from the minutes. The page numbers to be amended therefore.

MOVED Cr Hart that the report, subject to the above corrections, be received.

**11/1/2009 MOTION not opposed, DECLARED CARRIED (13/0)**

**BUSINESS ARISING FROM REPORT**

Recommendation D2/1/09 – Adoption of Local Law Amendments

MOVED Cr Hart that Recommendation D2/1/09 be adopted.

SECONDED Cr Munn

**12/1/2009 MOTION DECLARED CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL (13/0)**

Recommendation D4/1/09 - Proposed change of use to community purpose – Lot 80 (38) Marian Avenue, Armadale

MOVED Cr Hart that Recommendation D4/1/09 be amended by replacing 1. o) with the following:-

Crossovers and the first 10m of the driveway from the property boundary shall be constructed, drained and sealed and continuously maintained to the satisfaction of the Executive Director Technical Services. Areas for car parking and vehicle maneuvering shall be constructed of road base material and continuously maintained in accordance with the approved site plan to the satisfaction of the Executive Director Technical Services.

**13/1/2009 AMENDMENT not opposed, DECLARED CARRIED (13/0)**

MOVED Cr Hart that Recommendation D4/1/09, as amended, be adopted.

**14/1/2009 MOTION not opposed, DECLARED CARRIED (13/0)**

Recommendation D7/1/09 – Armadale Redevelopment Authority Wungong open space policy implications.

*Cr Reynolds disclosed that as a member of the Armadale Redevelopment Authority Board he had an association with this item. As a consequence, there may be a perception that his impartiality on the matter may be affected. Cr Reynolds declared that he would put aside the association, consider the matter on its merits and vote accordingly.*

MOVED Cr Reynolds that Recommendation D7/1/09 be amended by replacing 2. b) with the following:-

Request the ARA to provide it with a copy of its legal advice to enable the City's solicitors to advise the City and to enable the City to assist in drawing up workable arrangements.

**15/1/2009**      **AMENDMENT not opposed, DECLARED CARRIED**      **(13/0)**

MOVED Cr Reynolds that Recommendation D7/1/09, as amended, be adopted.

**16/1/2009**      **MOTION not opposed, DECLARED CARRIED**      **(13/0)**

MOVED Cr Reynolds that Recommendations D1/1/09 to D12/1/09, except those already dealt with, be adopted.

**17/1/2009**      **MOTION not opposed, DECLARED CARRIED**      **(13/0)**

**10.4**      **CHIEF EXECUTIVE OFFICER'S REPORT**

Report of the Chief Executive Officer as at 22 January 2009.

MOVED Cr Everts that the Report be received

**18/1/2009**      **MOTION not opposed, DECLARED CARRIED**      **(13/0)**

**10.4.1**      **Councillors' Information Bulletin – Issue 01/2009**

MOVED Cr Scidone:

That Council acknowledge receipt of Issue No. 07/2008 of the Information Bulletin.

**19/1/2009**      **MOTION not opposed, DECLARED CARRIED**      **(13/0)**

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**11**      **MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

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**12**      **URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION**

Nil

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**13            MATTERS FOR REFERRAL TO STANDING COMMITTEES –  
WITHOUT DISCUSSION**

Cr Tizard    The matter of a Commuter Carpark west of the Railway Station  
be referred to the Technical Services Committee for discussion  
and appropriate resolution.

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**14            MATTERS REQUIRING CONFIDENTIAL CONSIDERATION**

Nil

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**15            CLOSURE**

*The Mayor, Cr Reynolds, declared the meeting closed at 7.22pm*

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MINUTES CONFIRMED THIS 9 FEBRUARY 2009

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MAYOR